

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOHN K. GOODROW,

Plaintiff,

v.

Civil Action No. 3:11-cv-00020

FRIEDMAN & MACFADYEN, P.A.,
and JOHNIE R. MUNCY,

Defendants.

MICHELLE MCBETH,

Plaintiff,

v.

Civil Action No. 3:11-cv-479

FRIEDMAN & MACFADYEN, P.C., et al

Defendants

ADAM MBUNDURE,

Plaintiff,

v.

Civil Action No: 3:11-cv-489

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

ALBERT C. CECCONE,

Plaintiff,

v.

Civil Action No: 3:11-cv-555

FRIEDMAN & MACFADYEN, P.C., et al

Defendants

ALLEN CHATTER,

Plaintiff,

v.

Civil Action No: 3:11-cv-613

FRIEDMAN & MACFADYEN, P.C., et al

Defendants

LETONYA BANKS,

Plaintiff,

v.

Civil Action No: 3:11-cv-614

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

IVERY HICKS,

Plaintiff,

v.

Civil Action No: 3:11-cv-615

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

KNORLY SMITH,

Plaintiff,

v.

Civil Action No: 3:11-cv-616

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

PETER CRAWLEY,

Plaintiff,

v.

Civil Action No: 3:11-cv-617

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

LAUREL BUEL, et al.,

Plaintiffs,

v.

Civil Action No: 3:11-cv-716

FRIEDMAN & MACFADYEN, P.C., et al

Defendants.

JAMES SANMATEO,

Plaintiff,

v.

Civil Action No: 3:11-cv-00840

FRIEDMAN & MACFADYEN, P.C., et al.

PLAINTIFFS' PROPOSED DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26 and this Court's Order of May 12, 2009, the Parties have met and conferred in their attempt to reach agreement upon a Discovery Plan for each of these cases. They were unable to reach such agreement. Accordingly, Plaintiffs propose their Scheduling and Discovery Plan as follows:

1. **RULE 26(f) CONFERENCE:** The parties, through counsel, held a Rule 26(f) conference by telephone on August 20, 2012.
2. **CONSOLIDATION:** The Plaintiffs believe that each of these cases should remain consolidated for both Discovery and Trial. Defendants disagree. However, as a reasonable alternative, Plaintiffs propose that the cases remain consolidated for Discovery, but that the Court set a Final Pre-trial Conference on or about January 15, 2013 to consider the propriety of a consolidation for trial and any proposed trial plan.
3. **INITIAL DISCLOSURES:** The parties will exchange initial disclosures under Rule 26(a)(1) on or before September 19, 2012.
4. **AMENDMENTS TO THE COMPLAINTS:** The Plaintiffs shall file any

amendment to their Complaint(s) on or before September 12, 2012. This shall not be with prejudice to any other right a Plaintiff may have pursuant to Fed. R. Civ. P. 15.

5. DISCOVERY CUTOFF: Discovery shall end on December 14, 2012.

6. EXPERT DISCLOSURES: The Parties shall make any expert disclosures required by Fed. R. Civ. P. 26(a)(2) on or before October 17, 2012. All rebuttal disclosures shall be served within 30 days of receipt of an initial report.

7. PRESERVATION OF DISCOVERABLE INFORMATION: The parties understand the importance of preserving discoverable information. Both parties believe they have taken reasonable steps to preserve all such information.

8. ELECTRONICALLY STORED INFORMATION: Electronically stored information may be produced in printed or hard copy form. However, the producing party shall maintain the electronically stored information in the format in which it exists at the time the request for discovery was made. Thereafter, any party may, at that party's expense, request the production of electronically stored information in its native format.

9. CLAIMS OF PRIVILEGE & PROTECTION OF TRIAL MATERIAL: The responding party to discovery shall provide a privilege log for all material for which a privilege is claimed. The log will set forth the bates number (if any) of the privileged document and include (1) the date of its creation; (2) its author(s); (3) its recipient(s); and (4) a brief general description of the document along with the basis for the privilege assertion. No party will be required to put on the privilege log documents that chronicle communications between the parties and their respective counsel made in relation to or in anticipation of this litigation if such documents were generated after the initiation of this action, unless they are independently relevant to the action. Inadvertent production of privileged material shall not be deemed a waiver of any privilege, and, if it is discovered that a party has produced privileged material, the receiving party shall promptly return

the same.

10. SERVING AND FILING PLEADINGS: All pleadings, motions, and other papers that are filed are to be served electronically as provided by the Federal Rules of Civil Procedure and the Local Rules. In addition, the parties agree to serve by mail all discovery requests, written responses, and any other papers that are not filed with the Clerk of the Court. The serving party shall attach the pleading or paper in a "portable document format" (".pdf) or other form of electronic file. If transmissions of voluminous materials as an e-mail attachment are impractical, then those materials shall be served by overnight delivery via a service with the ability to "track" deliveries and verify receipt.

11. PROTECTIVE ORDER: In the event a protective order is deemed necessary, the parties shall work together to agree on a form and shall comply with the requirements of Virginia Dep't of State Police v. The Washington Post, 386 F.3d 567 (4th Cir. 2004) and Ashcraft v. Conoco, 218 F.3d 282 (4th Cir. 2000).

12. MAGISTRATE JUDGE: The parties consent to a trial before a United States Magistrate Judge.

13. SETTLEMENT: The parties have engaged in unsuccessful mediation efforts.

12. DISCOVERY LIMITATIONS: The Plaintiff proposes the following changes to the Discovery limits otherwise governing these cases:

a. Depositions. Each side may take the deposition of each opposing Party. Further, each side may take depositions of non-parties not to exceed a total of 20 depositions and no more than 100 hours of time on the record. In addition, each side may depose all opposing experts.

b. Interrogatories. Each side may serve a Master set of no more than 20 Interrogatories to be answered by each opposing Party. In addition each side may serve 5 specific Interrogatories

upon each specific opposing Party.

Respectfully submitted,

**JOHN K. GOODROW, MICHELLE MCBETH,
ADAM MBUNDURE, ALBERT C. CECCONE,
ALLEN CHATTER, LETONYA BANKS,
IVERY HICKS, KNORLY SMITH,
PETER CRAWLEY, LAUREL BUEL, *et al.*
And JAMES SANMATEO,**

/s/

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PRO HAC VICE

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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